

1 **GROUND AMBULANCE INTERFACILITY TRANSPORT**

2 **LICENSING**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ryan D. Wilcox**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Utah Emergency Medical Services System Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ requires an applicant for ground ambulance or paramedic services to meet certain
- 15 requirements with respect to a geographic service area; and
- 16 ▶ repeals obsolete language regarding a transition to eliminate inconsistent licenses.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26-8a-102**, as last amended by Laws of Utah 2021, Chapters 208, 237, and 265

24 **26-8a-404**, as last amended by Laws of Utah 2019, Chapter 390

25 **26-8a-416**, as enacted by Laws of Utah 1999, Chapter 141

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **26-8a-102** is amended to read:

29 **26-8a-102. Definitions.**

30 As used in this chapter:

31 (1) (a) "911 ambulance or paramedic services" means:

32 (i) either:

33 (A) 911 ambulance service;

34 (B) 911 paramedic service; or

35 (C) both 911 ambulance and paramedic service; and

36 (ii) a response to a 911 call received by a designated dispatch center that receives 911
37 or E911 calls.

38 (b) "911 ambulance or paramedic services" does not mean a seven or ten digit
39 telephone call received directly by an ambulance provider licensed under this chapter.

40 (2) "Ambulance" means a ground, air, or water vehicle that:

41 (a) transports patients and is used to provide emergency medical services; and

42 (b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

43 (3) "Ambulance provider" means an emergency medical service provider that:

44 (a) transports and provides emergency medical care to patients; and

45 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

46 (4) (a) "Behavioral emergency services" means delivering a behavioral health
47 intervention to a patient in an emergency context within a scope and in accordance with
48 guidelines established by the department.

49 (b) "Behavioral emergency services" does not include engaging in the:

50 (i) practice of mental health therapy as defined in Section [58-60-102](#);

51 (ii) practice of psychology as defined in Section [58-61-102](#);

52 (iii) practice of clinical social work as defined in Section [58-60-202](#);

53 (iv) practice of certified social work as defined in Section [58-60-202](#);

54 (v) practice of marriage and family therapy as defined in Section [58-60-302](#); or

55 (vi) practice of clinical mental health counseling as defined in Section [58-60-402](#); and

56 (vii) practice as a substance use disorder counselor as defined in Section [58-60-502](#).

57 (5) "Committee" means the State Emergency Medical Services Committee created by

58 Section 26-1-7.

59 (6) "Direct medical observation" means in-person observation of a patient by a
60 physician, registered nurse, physician's assistant, or individual licensed under Section
61 26-8a-302.

62 (7) "Emergency medical condition" means:

63 (a) a medical condition that manifests itself by symptoms of sufficient severity,
64 including severe pain, that a prudent layperson, who possesses an average knowledge of health
65 and medicine, could reasonably expect the absence of immediate medical attention to result in:

66 (i) placing the individual's health in serious jeopardy;

67 (ii) serious impairment to bodily functions; or

68 (iii) serious dysfunction of any bodily organ or part; or

69 (b) a medical condition that in the opinion of a physician or the physician's designee
70 requires direct medical observation during transport or may require the intervention of an
71 individual licensed under Section 26-8a-302 during transport.

72 (8) (a) "Emergency medical service personnel" means an individual who provides
73 emergency medical services or behavioral emergency services to a patient and is required to be
74 licensed or certified under Section 26-8a-302.

75 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
76 licensed emergency medical service provider, emergency medical service instructor, behavioral
77 emergency services technician, other categories established by the committee, and a certified
78 emergency medical dispatcher.

79 (9) "Emergency medical service providers" means:

80 (a) licensed ambulance providers and paramedic providers;

81 (b) a facility or provider that is required to be designated under Subsection
82 26-8a-303(1)(a); and

83 (c) emergency medical service personnel.

84 (10) "Emergency medical services" means:

85 (a) medical services;

- 86 (b) transportation services;
- 87 (c) behavioral emergency services; or
- 88 (d) any combination of the services described in Subsections (10)(a) through (c).

89 (11) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

90 (a) maintained and used for the transportation of emergency medical personnel,
91 equipment, and supplies to the scene of a medical emergency; and

92 (b) required to be permitted under Section 26-8a-304.

93 (12) "Governing body":

94 (a) means the same as that term is defined in Section 11-42-102; and

95 (b) for purposes of a "special service district" under Section 11-42-102, means a
96 special service district that has been delegated the authority to select a provider under this
97 chapter by the special service district's legislative body or administrative control board.

98 (13) "Interested party" means:

99 (a) a licensed or designated emergency medical services provider that provides
100 emergency medical services within or in an area that abuts an exclusive geographic service area
101 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
102 Providers;

103 (b) any municipality, county, or fire district that lies within or abuts a geographic
104 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
105 Paramedic Providers; or

106 (c) the department when acting in the interest of the public.

107 (14) "Level of service" means the level at which an ambulance provider type of service
108 is licensed as:

109 (a) emergency medical technician;

110 (b) advanced emergency medical technician; or

111 (c) paramedic.

112 [~~14~~] (15) "Medical control" means a person who provides medical supervision to an
113 emergency medical service provider.

114 ~~[(15)]~~ (16) "Non-911 service" means transport of a patient that is not 911 transport
115 under Subsection (1).

116 ~~[(16)]~~ (17) "Nonemergency secured behavioral health transport" means an entity that:

117 (a) provides nonemergency secure transportation services for an individual who:

118 (i) is not required to be transported by an ambulance under Section 26-8a-305; and

119 (ii) requires behavioral health observation during transport between any of the

120 following facilities:

121 (A) a licensed acute care hospital;

122 (B) an emergency patient receiving facility;

123 (C) a licensed mental health facility; and

124 (D) the office of a licensed health care provider; and

125 (b) is required to be designated under Section 26-8a-303.

126 ~~[(17)]~~ (18) "Paramedic provider" means an entity that:

127 (a) employs emergency medical service personnel; and

128 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

129 ~~[(18)]~~ (19) "Patient" means an individual who, as the result of illness, injury, or a
130 behavioral emergency condition, meets any of the criteria in Section 26-8a-305.

131 ~~[(19)]~~ (20) "Political subdivision" means:

132 (a) a city, town, or metro township;

133 (b) a county;

134 (c) a special service district created under Title 17D, Chapter 1, Special Service

135 District Act, for the purpose of providing fire protection services under Subsection

136 17D-1-201(9);

137 (d) a local district created under Title 17B, Limited Purpose Local Government Entities

138 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
139 services;

140 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or

141 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

142 ~~[(20)]~~ (21) "Trauma" means an injury requiring immediate medical or surgical
143 intervention.

144 ~~[(21)]~~ (22) "Trauma system" means a single, statewide system that:

145 (a) organizes and coordinates the delivery of trauma care within defined geographic
146 areas from the time of injury through transport and rehabilitative care; and

147 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
148 delivering care for trauma patients, regardless of severity.

149 ~~[(22)]~~ (23) "Triage" means the sorting of patients in terms of disposition, destination,
150 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
151 assess the appropriate level of care according to established patient care protocols.

152 ~~[(23)]~~ (24) "Triage, treatment, transportation, and transfer guidelines" means written
153 procedures that:

154 (a) direct the care of patients; and

155 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
156 center, or an emergency medical service provider.

157 (25) "Type of service" means the category at which an ambulance provider is licensed
158 as:

159 (a) ground ambulance transport;

160 (b) ground ambulance interfacility transport; or

161 (c) both ground ambulance transport and ground ambulance interfacility transport.

162 Section 2. Section **26-8a-404** is amended to read:

163 **26-8a-404. Ground ambulance and paramedic licenses -- Application and**
164 **department review.**

165 (1) Except as provided in Section **26-8a-413**, an applicant for a ground ambulance or
166 paramedic license shall apply to the department for a license only by:

167 (a) submitting a completed application;

168 (b) providing information in the format required by the department; and

169 (c) paying the required fees, including the cost of the hearing officer.

170 (2) The department shall make rules establishing minimum qualifications and
171 requirements for:

- 172 (a) personnel;
- 173 (b) capital reserves;
- 174 (c) equipment;
- 175 (d) a business plan;
- 176 (e) operational procedures;
- 177 (f) medical direction agreements;
- 178 (g) management and control; and
- 179 (h) other matters that may be relevant to an applicant's ability to provide ground
180 ambulance or paramedic service.

181 (3) An application for a license to provide ground ambulance service or paramedic
182 service shall be for all ground ambulance services or paramedic services arising within the
183 geographic service area, except that an applicant may apply for a license for less than all
184 ground ambulance services or all paramedic services arising within an exclusive geographic
185 area if it can demonstrate how the remainder of that area will be served.

186 (4) (a) A ground ambulance service licensee may apply to the department for a license
187 to provide a higher level of service as defined by department rule if the application includes:

- 188 (i) a copy of the new treatment protocols for the higher level of service approved by the
189 off-line medical director;
- 190 (ii) an assessment of field performance by the applicant's off-line director; and
- 191 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
192 the higher level of service.

193 (b) If the department determines that the applicant has demonstrated the ability to
194 provide the higher level of service in accordance with Subsection (4)(a), the department shall
195 issue a revised license reflecting the higher level of service and the requirements of Section
196 [26-8a-408](#) do not apply.

197 (c) A revised license issued under Subsection (4)(b):

198 (i) may only affect the level of service that the licensee may provide; and
199 (ii) may not affect any other terms, conditions, or limitations of the original license[;
200 and].

201 [~~(iii) may not impact the rights of other licensees.~~]

202 (5) Upon receiving a completed application and the required fees, the department shall
203 review the application and determine whether the application meets the minimum
204 qualifications and requirements for licensure.

205 (6) The department may deny an application if it finds that it contains any materially
206 false or misleading information, is incomplete, or if the application demonstrates that the
207 applicant fails to meet the minimum qualifications and requirements for licensure under
208 Subsection (2).

209 (7) If the department denies an application, it shall notify the applicant in writing
210 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
211 Administrative Procedures Act.

212 Section 3. Section **26-8a-416** is amended to read:

213 **26-8a-416. Overlapping licenses.**

214 [~~(1) By May 30, 2000, the department shall review all licenses in effect on October 2,~~
215 ~~1999, to identify overlap, as defined in department rule, in the service areas of two or more~~
216 ~~licensed providers.]~~

217 [~~(2) By June 30, 2000, the department shall notify all licensed providers affected by an~~
218 ~~overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve~~
219 ~~each overlap, considering the effects on the licensed providers and the areas to be addressed.]~~

220 [~~(3) For each overlap, the department shall meet with the affected licensed providers~~
221 ~~and provide 120 days for a negotiated resolution, consistent with the criteria in Section~~
222 ~~26-8a-408.]~~

223 [~~(4) (a) If a resolution is reached under Subsection (2) that the department finds~~
224 ~~satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the~~
225 ~~resolution consistent with Subsection (6).]~~

226 ~~[(b) If a resolution is not reached under Subsection (2), the department or any of the~~
227 ~~licensed providers involved in the matter may request the commencement of a formal~~
228 ~~adjudicative proceeding to resolve the overlap.]~~

229 ~~[(5) The department shall commence adjudicative proceedings for any overlap that is~~
230 ~~not resolved by July 1, 2003.]~~

231 (1) As used in this section:

232 (a) "Overlap" means two ground ambulance interfacility transport providers that are
233 licensed at the same level of service in all or part of a single geographic service area.

234 (b) "Overlay" means two ground ambulance interfacility transport providers that are
235 licensed at a different level of service in all or part of a single geographic service area.

236 ~~[(6)]~~ (2) Notwithstanding the exclusive geographic service requirement of Section
237 26-8a-402, the department [may amend one or more licenses after a resolution is reached or an
238 adjudicative proceeding has been held to allow:] shall recognize overlap and overlay ground
239 ambulance interfacility transport licenses that existed on or before May 4, 2022.

240 ~~[(a) a single licensed provider to serve all or part of the overlap area;]~~

241 ~~[(b) more than one licensed provider to serve the overlap area;]~~

242 ~~[(c) licensed providers to provide different types of service in the overlap area; or]~~

243 ~~[(d) licenses that recognize service arrangements that existed on September 30, 1999.]~~

244 (3) The department may, without an adjudicative proceeding but with at least 30 days
245 notice to providers in the same geographic service area, amend an existing overlay ground
246 ambulance interfacility transport license solely to convert an overlay into an overlap if the
247 existing ground ambulance interfacility transport licensed provider meets the requirements
248 described in Subsection 26-8a-404(4).

249 (4) An amendment of a license under this section may not alter:

250 (a) other terms of the original license, including the applicable geographic service area;

251 or

252 (b) the license of other providers that provide interfacility transport services in the
253 geographic service area.

254 [(7)] (5) Notwithstanding Subsection [(6)] (2), any license for an overlap area
255 terminates upon:
256 (a) relinquishment by the provider; or
257 (b) revocation by the department.